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3 Nathan Buttars \* (UT-13659)  
4 Jonathan Peck \* (UT-14747)  
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12 [nate@lowelawgroup.com](mailto:nate@lowelawgroup.com)  
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14 Attorneys for Plaintiffs

11 **IN THE UNITED STATES DISTRICT COURT**  
12 **FOR THE DISTRICT OF ARIZONA**

13 IN RE BARD IVC FILTERS  
14 PRODUCTS LIABILITY LITIGATION

No. MD-15-02641-PHX-DGC

15 Jeffrey Bunch, an individual,  
16  
17 Plaintiff,

Civil Action No.: 2:16-cv-01678-PHX-DGC

18 v.

**NOTICE OF FILING AMENDED  
COMPLAINT**

19 C.R. Bard, Inc., a corporation, and Bard  
20 Peripheral Vascular, Inc., an Arizona  
corporation,

21 Defendants.  
22

23 Pursuant to Local Rule of Civil Procedure 15.1(b), Plaintiff Jeffrey Bunch  
24 respectfully submits this Notice of Filing First Amended Complaint. Attached as Exhibit  
25 A is a copy of the amended complaint that indicates in what respect it differs from the  
26  
27  
28

1 original complaint. The Defendants do not oppose Plaintiff's filing of this Notice or the  
2 First Amended Complaint.

3  
4 RESPECTFULLY SUBMITTED this 13<sup>th</sup> day of July, 2016.

5  
6 LOWE LAW GROUP

7  
8 By /s/ Jonathan Peck

9 Nathan Buttars

10 Jonathan Peck

6028 S. Ridgeline Drive, Suite 200

11 Ogden, UT 84405

*Attorneys for Plaintiff(s)*

12  
13 **CERTIFICATE OF SERVICE**

14 I hereby certify that on this 13<sup>th</sup> day of July, 2016, I electronically transmitted the  
15 attached document to the Clerk's Office using the CM/ECF System for filing and  
16 transmittal of a Notice of Electronic Filing.  
17

18  
19 /s/ Jonathan Peck

20 Jonathan Peck

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# EXHIBIT A

Nathan Butters \* (UT-13659)  
Jonathan Peck \* (UT-14747)  
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Attorneys for Plaintiffs

**IN THE UNITED STATES DISTRICT COURT**

**FOR THE DISTRICT OF ARIZONA**

IN RE BARD IVC FILTERS  
PRODUCTS LIABILITY LITIGATION

No. MD-15-02641-PHX-DGC

**FIRST AMENDED MASTER SHORT  
FORM COMPLAINT FOR DAMAGES  
FOR INDIVIDUAL CLAIMS**

Plaintiff(s) named below, for their Complaint against Defendants named below,  
incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364).

Plaintiff(s) further show the Court as follows:

1. Plaintiff:

Jeffrey Bunch

2. Spousal Plaintiff or other party making loss of consortium claim:

Penny Bunch

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian,  
conservator):

N/A

1           4.     Plaintiff's state(s) [if more than one Plaintiff] of residence at the time of  
2                 implant:

3                 Pennsylvania

4           5.     Plaintiff's state(s) [if more than one Plaintiff] of residence at the time of  
5                 injury:

6                 Pennsylvania

7           6.     Plaintiff's current state(s) [if more than one Plaintiff] of residence:

8                 Pennsylvania

9           7.     District Court and Division in which venue would be proper absent direct  
10                 filing:

11                 Middle District of Pennsylvania

12           8.     Defendants (check Defendants against whom Complaint is made):

13                 X     C.R. Bard Inc.

14                 X     Bard Peripheral Vascular, Inc.

15           9.     Basis of Jurisdiction:

16                 X     Diversity of Citizenship

17                 □     Other: \_\_\_\_\_

18           a.     Other allegations of jurisdiction and venue not expressed in Master  
19                 Complaint:

20                 \_\_\_\_\_  
21                 \_\_\_\_\_  
22                 \_\_\_\_\_  
23                 \_\_\_\_\_  
24                 \_\_\_\_\_  
25                 \_\_\_\_\_  
26                 \_\_\_\_\_  
27                 \_\_\_\_\_  
28

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):

- ☐ Recovery® Vena Cava Filter
- ☐ G2® Vena Cava Filter
- ☒ G2® Express Vena Cava Filter
- ☐ G2® X Vena Cava Filter
- ☐ Eclipse® Vena Cava Filter
- ☐ Meridian® Vena Cava Filter
- ☐ Denali® Vena Cava Filter
- ☐ Other: \_\_\_\_\_

11. Date of Implantation as to each product:

April 20, 2009

12. Counts in the Master Complaint brought by Plaintiff(s):

- ☒ Count I: Strict Products Liability – Manufacturing Defect
- ☒ Count II: Strict Products Liability – Information Defect (Failure to Warn)
- ☒ Count III: Strict Products Liability – Design Defect
- ☒ Count IV: Negligence - Design
- ☒ Count V: Negligence - Manufacture
- ☒ Count VI: Negligence – Failure to Recall/Retrofit
- ☒ Count VII: Negligence – Failure to Warn
- ☒ Count VIII: Negligent Misrepresentation

- 1 X Count IX: Negligence *Per Se*
- 2 X Count X: Breach of Express Warranty
- 3 X Count XI: Breach of Implied Warranty
- 4 X Count XII: Fraudulent Misrepresentation
- 5 X Count XIII: Fraudulent Concealment
- 6 X Count XIV: Violations of Applicable ~~Louisiana~~ **Pennsylvania** Law
- 7 Prohibiting Consumer Fraud and Unfair and Deceptive Trade
- 8 Practices
- 9
- 10 X Count XV: Loss of Consortium
- 11
- 12 ☐ Count XVI: Wrongful Death
- 13 ☐ Count XVII: Survival
- 14 X Punitive Damages
- 15
- 16 ☐ Other(s):\_\_\_\_\_ (please state the facts supporting
- 17 this Count in the space immediately below)
- 18 \_\_\_\_\_
- 19 \_\_\_\_\_
- 20 \_\_\_\_\_
- 21 \_\_\_\_\_
- 22 \_\_\_\_\_
- 23 \_\_\_\_\_

24 13. Jury Trial demanded for all issues so triable?

- 25 X Yes
- 26
- 27 \_ No
- 28

1 RESPECTFULLY SUBMITTED this 26<sup>th</sup> 13<sup>th</sup> day of May July, 2016.

2 **LOWE LAW GROUP**

3 By: /s/ Jonathan Peck  
4 Nathan Buttars (UT 13659)  
5 Jonathan Peck (UT 14747)  
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14 *Attorneys for Plaintiffs*

15 **Certificate of Service**

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19 /s/ Jonathan Peck